

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANDRE M. KELLY,

ORDER

Plaintiff,

13-cv-651-bbc

v.

C/O A. PETERSON #1586,
C/O KE CASPERSES and
C/O COFFEE,

Defendants.

ANDRE M. KELLY,

ORDER

Plaintiff,

13-cv-677-bbc

v.

S. VAN VORST and
NURSES on 9-11-13, 3 to 11 staff,

Defendants.

Plaintiff Andre M. Kelly, an inmate at the Dane County Jail in Madison, Wisconsin, has submitted two proposed complaints. He requests leave to proceed *in forma pauperis*.

From plaintiff's inmate account statement, it appears that plaintiff presently has no means with which to make initial partial payments of the \$350 fee for filing his complaints. However, plaintiff should be aware that he is obligated to pay the \$350 filing fee for each case, even if this court determines that he will not be permitted to proceed with his complaints *in forma pauperis* and even if he does not presently have funds with which to pay the fee. 28 U.S.C.

§ 1915(b)(1). His account will be monitored and the fee must be taken in monthly installments when the funds exist.

Accordingly, IT IS ORDERED that plaintiff's complaints are taken under advisement. As soon as the court's calendar permits, plaintiff's complaints will be screened pursuant to 28 U.S.C. § 1915(e)(2). Leave to proceed *in forma pauperis* will not be granted if the action must be dismissed as malicious or legally "frivolous," a term that means that the complaint does not allege a claim of any kind. Leave can be denied also if the complaint does not state a claim on which plaintiff could obtain relief under the law or if plaintiff is asking for money from a defendant who is legally protected from having to pay money in his case. Plaintiff will be notified promptly when such a decision has been made.

Further, the Clerk of Court is requested to insure that the court's financial records reflect that plaintiff owes the \$350 fee for filing each case, in accordance with the requirements of the Prison Litigation Reform Act.

Entered this 30th day of September, 2013.

BY THE COURT:

/s/
PETER OPPENEER
Magistrate Judge